

1
2
3
4 UNITED STATES DISTRICT COURT
5 WESTERN DISTRICT OF WASHINGTON
6 AT TACOMA

7 UNITED STATES OF AMERICA,)

8 Plaintiff,)

9 v.)

10 TIMOTHY L. PALMER, DEANNA M.
PALMER, THE LAND BOUNTIFUL ONE,)

11 PIERCE COUNTY ,)

12)
13 Defendants.)
14 _____)

Civil No. C-08-5249-FDB

**ORDER GRANTING UNITED
STATES' MOTION TO DISMISS
DEFENDANTS PALMER'S
COUNTERCLAIM**

15
16 This matter comes before the Court on motion of United States to dismiss the counterclaim of the
17 Defendants Timothy and Deanna Palmer. The Court, having reviewed the motion, Defendants' pleadings
18 and the record herein, is fully informed and grants the motion to dismiss the counterclaim for the reasons
19 that follow.

20 **Introduction and Background**

21 The United States initiated this action to reduce to judgment federal tax assessments against
22 Timothy and Deanna Palmer and to foreclose on a parcel of real property. Neither the Palmers nor the
23 other named Defendant, "The Land Bountiful" (an alleged sham entity of the Palmers that holds title to
24 the real property at issue) have answered the factual allegations contained in the complaint. Instead, the
25 Palmers have filed two petitions for stay, a request for an order to show cause why the record should not
26 be corrected, and a request to hold counsel for the United States in contempt. Taken together, these
27 pleadings (and the counterclaim) assert an argument that the Palmers are entitled to \$4 million from the

1 United States Treasury and that the Court should allow correction of the record to reflect this “reality”
2 and hold that the defendants may satisfy their tax debts with a promissory note drawn on these funds held
3 by the U.S. Treasury.

4 This Court has rejected the Palmers’ prior requests for relief, finding this tax protester theory
5 commonly known as “redemption” nonsensical and soundly rejected in this and all other jurisdictions. See
6 Bryant v. Wash. Mut. Bank, 524 F. Supp. 2d 753 (W.D. Va. 2007); United States v. Saldana, 427 F.3d
7 298 (5th Cir. 2005); United States v. Waalee, 133 Fed. Appx. 819 (3rd Cir. 2005); United States v. Allison,
8 264 Fed. Appx. 450 (5th Cir. 2008); United States v. Clapier, 40 Fed. Appx. 455, 457 (9th Cir. 2002).

9 Counterclaim Fails to State a Claim

10 The Palmers’ counterclaim is based upon a legal recognition of the “redemption” theory and
11 accordingly fails to state factual allegations that would support a cause of action. A counterclaim is
12 subject to dismissal for failure to state a claim upon which relief can be granted. The Palmers’ factual
13 allegations do not support a recognized legal claim upon which relief could be based. Accordingly, the
14 Palmers’ counterclaim is subject to dismissal.

15 Conclusion


16 For the above stated reasons the United States is entitled to dismissal of Defendants’ counterclaim.

17 ACCORDINGLY;

18 IT IS ORDERED:

19 The United States’ Motion to Dismiss Defendants Timothy and Deanna Palmer’s Counterclaim
20 [Dkt. # 48] is **GRANTED**. Defendants’ counterclaim [Dkt # 36] is **DISMISSED WITH**
21 **PREJUDICE**.

22 DATED this 22nd day of January, 2009

23
24 
25 _____
26 FRANKLIN D. BURGESS
27 UNITED STATES DISTRICT JUDGE
28